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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------------|
| 10/771,070 | 02/02/2004 | R. Cameron Marcus | P1487 | 1981 |
| 24739 7590 06/22/2007 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076 | | | EXAMINER ZHOU, TING | |
| | | | ART UNIT 2173 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/771,070 | Applicant(s) MARCUS, R. CAMERON | |
| | Examiner Ting Zhou | Art Unit 2173 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-19 are pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the Internet network" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the male USB connector" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-4, 6-8, 10-13 and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Dickie U.S. Publication 2003/0041206.

Referring to claim 1, Dickie teaches a system comprising an interactive interface executable on a stand-alone computer appliance for creating a program for the programmable device (the laptop computer runs software for entering and displaying information) (page 1, paragraph 0013 and page 2, paragraphs 0026-0028; this is further shown in Figure 1); a portable memory medium (portable PDA device that can be docked to the computer) (page 1, paragraph 0013 and page 2, paragraphs 0026-0028; this is further shown in Figure 1); and a downloading mechanism for transferring the created program to the portable memory medium (information entered in the computer can be transferred to, i.e. synchronized with the PDA) (page 1, paragraph 0013 and page 2, paragraphs 0026-0028; this is further shown in Figure 1).

Referring to claim 3, Dickie teaches wherein the memory medium is a thumb drive having a USB male connector (flash drive) (page 2, paragraph 0025).

Referring to claim 4, Dickie teaches wherein the computer appliance is a personal computer (PC) (the laptop computer shown in Figure 1).

Referring to claim 6, Dickie teaches wherein the interactive interface is read by the PC from a portable memory medium provided with the programming device (information from the portable PDA can be synchronized with the computer to be displayed on the screen of the computer) (page 2, paragraphs 0026-0028).

Referring to claim 7, Dickie teaches wherein the portable memory medium is a compact disk read-only medium (CD-ROM) (the computer includes portable mediums such as a CD-ROM and DVD drive) (page 2, paragraph 0025).

Referring to claim 8, Dickie teaches a programmable device having an interface for the portable memory medium (both the PDA and the computer have an interface) (page 2, paragraph 0026 and further shown in Figure 4).

Referring to claim 10, Dickie teaches wherein the portable memory medium is a thumb drive and the interface is a female USB port for receiving the male USB connector of the thumb drive (the computer system includes the use of a flash memory drive, which plugs into the USB port of the laptop) (page 2, paragraph 0025).

Referring to claim 11, Dickie teaches a programmable device comprising a port for receiving a portable memory device (a portable PDA can be docked to a computer via the docking cradle) (page 1, paragraphs 0013-0014 and further shown in Figure 1); and logic for reading a program from a portable memory device engaged at the port and for transferring that program to an internal memory for execution (information entered into the PDA can be transferred to the laptop computer) (page 1, paragraph 0013 and page 2, paragraphs 0026-0028).

Referring to claim 12, Dickie teaches wherein the device is one of a lawn sprinkler controller, a VCR, a thermostat, or a cellular telephone (the system can be a cellular phone) (page 1, paragraph 0013).

Referring to claim 13, Dickie teaches wherein the port for receiving is a female USB port for receiving a male USB connector of a thumb drive (the computer system includes the use of a flash memory drive, which plugs into the USB port of the laptop) (page 2, paragraph 0025).

Referring to claim 15, Dickie teaches a method comprising providing a sole programming interface for the device as a port for reading a portable memory medium and logic for transferring a program from the medium to an internal memory of the device (the computer has a port, i.e. docking cradle for docking a portable PDA device; information from the PDA can be transferred to the computer; the computer also has an interface for displaying information) (page 1, paragraph 0013 and page 2, paragraphs 0025-0028; this is further shown in Figure 1); providing an interactive interface for creating a program for the programmable device, the interface executable on a display of a computer appliance having a downloading mechanism for recording a program created on the portable memory medium (the computer has an interface 414 and can store information received from the portable PDA) (page 1, paragraph 0013 and page 2, paragraphs 0025-0028; this is further shown in Figure 4); and using the portable medium for transferring the program created to the programmable device (information from the PDA can be transferred to the laptop computer device (page 1, paragraph 0013 and page 2, paragraphs 0025-0028; this is further shown in Figure 1)).

Referring to claim 16, Dickie teaches a system comprising an interactive interface executable on a stand-alone computer appliance for creating a program for the programmable device (the laptop computer runs software for entering and displaying information) (page 1, paragraph 0013 and page 2, paragraphs 0026-0028; this is further shown in Figure 1); and a transmitter for transmitting the program to the programmable device (information entered in the computer can be transmitted to, i.e. synchronized with the PDA) (page 1, paragraph 0013 and page 2, paragraphs 0026-0028; this is further shown in Figure 1).

Referring to claim 17, Dickie teaches wherein the transmitter is an infra-red transmitter and the interface at the programmable device is an infra-red reader (the PDA and computer and communicate and transmit information with each other via IR coupling) (page 2, paragraphs 0020 and 0024).

Referring to claim 18, Dickie teaches wherein the transmitter is a magnetic loop transmitter and the interface at the programmable device is a magnetic loop receiver (the PDA and computer can communicate via a loop, i.e. direct electrical coupling to each other) (page 2, paragraphs 0020 and 0024).

Referring to claim 19, Dickie teaches wherein the transmitter is a radio frequency (RF) transmitter and the interface at the programmable device is an RF receiver (the PDA and computer can communicate and transmit information with each other via IF coupling) (page 2, paragraphs 0020 and 0024).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickie U.S. Publication 2003/0041206, as applied to claims 1, 8 and 11 above, and further in view of Zehner et al. U.S. Publication 2003/0011868 (hereinafter "Zehner").

Referring to claims 2, 9 and 14, Dickie teaches all of the limitations as applied to claims 1, 8 and 11 above. However, Dickie fails to explicitly teach wherein the portable memory medium is a magnetic strip card, and the downloading mechanism is a magnetic strip writer connected to the computer appliance. Zehner teaches a portable memory device for transferring information similar to that of Dickie. In addition, Zehner further teaches a portable memory medium such as a magnetic strip card for transferring information and a magnetic strip writer (Zehner: page 2, paragraphs 0015-0017 and page 10, paragraph 0096). It would have been obvious to one of ordinary skill in the art, having the teachings of Dickie and Zehner before him at the time the invention was made, to modify the transferring of information between a portable memory medium and a computer system of Dickie to include the use of magnetic strip cards for transferring information as taught by Zehner. One would have been motivated to make such a combination in order to control and provide secure access to a large amount of information.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickie U.S. Publication 2003/0041206, as applied to claim 1 above, and further in view of Chestnut et al. U.S. Publication 2003/0195904 (hereinafter "Chestnut").

Referring to claim 5, Dickie teaches all of the limitations as applied to claim 1 above. However, although Dickie teaches that the PDA is connected to the Internet network and can access websites (Dickie: page 1, paragraph 0003), Dickie fails to explicitly teach that the PC is connected to the Internet network as well. Chestnut teaches the ability to dock a portable device such as a PDA to a computer for communicating information similar to that of Dickie. In addition, Chestnut further teaches wherein the PC is connected to the Internet network, and the

interactive interface is provided by a Web site in the Internet network (the desktop computer provides an interface that connects to the Internet) (Chestnut: page 3, paragraph 0041). It would have been obvious to one of ordinary skill in the art, having the teachings of Dickie and Chestnut before him at the time the invention was made, to modify the connection of the PDA with the computer of Dickie to include the connection to the Internet, as taught by Chestnut. One would have been motivated to make such a combination in order to allow a plurality of users to quickly access a large database of information from remote locations.

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar methods for connecting a portable memory medium to computers to transfer data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ

TADGEE HAILU
PR MINER
